

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2015**

No. 79

Introduced by Council Members Arroyo, Koo, Espinal, Dromm, Barron, Eugene, Kallos and Wills.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to price displays on all signs posted by gas stations other than signs on dispensing devices.

Be it enacted by the Council as follows:

Section 1. Section 20-672 of the administrative code of the city of New York, subdivisions a and d as amended by local law number 31 for the year 1988, subdivisions b and c as amended by local law number 9 for the year 2013, paragraph 2 of subdivision b as added by local law number 9 for the year 2013, subdivision e as relettered by local law number 31 for the year 1988, and subdivision f as added by local law number 77 for the year 1988, is amended to read as follows:

§ 20-672 [Placards to be posted] *Price displays.*

a. Except as provided in subdivision five of section one hundred ninety-two of the agriculture and markets law, it shall be unlawful for any person, in connection with the sale or offer for sale at retail of any petroleum products for use in motor vehicles or motor boats, [other than gasoline or diesel motor fuel,] to post or maintain at such place of sale [or offer to sale,] any sign, placard or other display that states[, relates or refers to] the price at which such petroleum products are sold or offered for sale, except as follows:

1. The price [stated, mentioned or referred to] on such sign, placard or other display[,] shall be *stated* by the unit of the measure at which such petroleum products are customarily sold at retail[,] *and shall include all applicable taxes*;

2. The name, trade name, brand, mark or symbol, and grade or quality classification, if any, and method of processing of such petroleum products shall be clearly stated on such [signs] *sign*, placard or other display, and, if such petroleum products are sold without identification by name, trade name, brand, mark or symbol, such sign, placard or other display shall refer clearly to such petroleum products as unbranded[.];

3. In relation to the sale of gasoline for use in motor vehicles or motor boats, the price for the lowest grade of gasoline offered for sale shall be stated; and

b. [In addition to any sign or placard required pursuant to subdivision five of section one hundred ninety-two of the agriculture and markets law, there shall be a sign, poster or placard clearly visible to drivers of approaching motor vehicles on the premises of every location at which gasoline and/or diesel motor fuel are sold or offered for sale. Such sign shall be in a size and style to be determined by the commissioner. Such sign, in addition to any other sign, poster or placard that advertises the selling price of gasoline and directly or indirectly refers to a premises where the advertised gasoline and/or diesel motor fuel are sold or offered for sale, shall state the name, trade name, brand, mark or symbol and grade or quality classification of such gasoline or diesel motor fuel, together with the total selling price per gallon. Total selling price shall be the sum of the basic price per gallon plus all applicable taxes. Such sign, poster or placard shall conform to the rules and regulations of all governmental agencies with jurisdiction as to structure and location.]

[1.] A retail dealer shall only sell [any] *petroleum products* at the [total selling] price *stated on any sign, placard or other display subject to subdivision a of this section*. [Any such price when

posted may not be raised for a period of not less than twenty-four hours.] *It shall be unlawful to raise the price stated on any sign, placard or other display subject to subdivision a of this section for at least 24 hours.*

[2. Where the total selling price for purchases made with cash is less than the total selling price for purchases made with credit card, debit card or other form of non-cash payment, such sign, poster or shall state the total selling price for each type of accepted payment.]

c. All numbers referring to price shall be the same height, width and thickness. Identification of the [gasoline or diesel motor fuel] *petroleum products* offered for sale, and any non-numerical language distinguishing the [total cash selling price] *prices charged for different forms of payment* [from the total credit card, debit card or other form of non-cash payment selling price] shall be in letters and numbers not less than one-half of the height, width and thickness of the numbers referring to price. Letters and numbers shall be black on a white background *or displayed on an illuminated light-emitting diode sign.*

d. Price per gallon indicator. Except as otherwise provided in article sixteen of the agriculture and markets law or in any rule or regulations promulgated thereunder, every gasoline or diesel motor fuel dispensing device shall be equipped with a price per gallon indicator [and shall have such indicator] *that shall* correspond with the [total] price per gallon *stated* on [the] *any* sign, [poster or] placard *or other display* [required to be posted pursuant to] *subject to* subdivision [five of section one hundred ninety-two of such law or subdivision b] *a* of this section.

e. [Total price] *Price* indicator. Every gasoline or diesel motor fuel dispensing device shall be equipped with a total delivery indicator [, and such indicator] *that* shall record the correct [total] price computed on the basis of [posted] *the stated* price per gallon and number of gallons delivered.

f. Notwithstanding the foregoing, subdivisions a, b and c of this section shall not apply to the posting of information and labeling of dispensing devices with respect to the lead content of gasoline for motor vehicles, which shall be governed by the provisions of subdivision d and e of section 20-673.1 of this subchapter and any rules or regulations promulgated thereunder, and subdivisions a, b and c of this section shall not apply to the posting of information and labeling of dispensing devices with respect to the octane rating of gasoline for motor vehicles, which shall be governed by the provisions of subdivision d of section 20-673.2 of this subchapter and any rules or regulations promulgated thereunder.

§ 3. This local law takes effect 180 days after it becomes law, except that the commissioner may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on August 13, 2015 and approved by the Mayor on September 2, 2015.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 79 of 2015, Council Int. No. 287-A of 2014) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.